

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

CLEANUP AND ABATEMENT ORDER NO. 98-228
FOR THE
LLOYD AND LYNN WELLS PROPERTY
AT 17083 AND 17075 OLD COACH ROAD, POWAY
SAN DIEGO COUNTY

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), finds that:

- Lloyd H. and Lynn D. Wells have discharged waste, including soil, concrete block, and gravel to Sycamore Creek, a perennial stream that runs through the Wells' properties at 17075 and 17083 Oak Coach Road within the City of Poway. Sycamore Creek is tributary to the San Diego River and Lake Hodges.
2. This discharge has caused waters in Sycamore Creek to exceed water quality objectives for sediment, suspended solids and turbidity, which constitutes a condition of pollution.
 3. Lloyd H. and Lynn D. Wells have deposited waste, including soil and construction materials, in the bed and floodplain of Sycamore Creek where it probably will be discharged to Sycamore Creek as a result of surface runoff and increased stream flows during storms.
 4. Deposition of these wastes where they probably will be discharged to Sycamore Creek, the San Diego River, and Lake Hodges threatens to cause these waters to exceed applicable water objectives for sediment, suspended solids, and turbidity, constituting a condition of pollution.
 5. Removal of the wastes from the waters and channel of Sycamore Creek, together with re-vegetation of all disturbed areas with native vegetation, will significantly reduce the existing pollution and reduce the threat of future pollution caused by the deposition and discharge of wastes.
 6. This enforcement action is being taken for the protection of the environment and, as such, is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000. Et seq.) in accordance with Section 15108, Chapter 3, Title 14, California Administrative Code.

IT IS HEREBY ORDERED that, pursuant to Section 13304 of Division 7 of the California Water Code-

- I Lloyd H. and Lynn D. Wells, (hereinafter discharger) shall immediately cleanup all wastes discharged to Sycamore Creek, the San Dieguito, River, or Lake Hodges, and all wastes deposited in the channel of Sycamore Creek and shall take remedial actions to abate all the effects associated with the discharge of wastes to Sycamore Creek, the San Dieguito River, and Lake Hodges, and the depostion of waste in the channel of Sycamore Creek. The discharger shall:
 - a. remove all stockpiled construction material from the floodway of Sycamore Creek, and from all areas where such material could be discharged into Sycamore Creek;
 - b. implement erosion control measures sufficient to protect all disturbed lands from erosion and prevent discharges of sediment or soil to Sycamore Creek;
 - c. restore the natural contours and native vegetation to Sycamore Creek in all areas disturbed by the activities associated with the discharge of waste to Sycamore Creek or the deposition of waste in its channel;
 - d. enhance or create wetland and riparian habitat which Will fully compensate for the temporal loss of habitat and water quality functions which have been caused by the discharge of waste to Sycamore Creek or the deposition of waste in its channel;
 - e. remove all recently planted exotic vegetation from those areas near Sycamore Creek where they could contribute to the establishment of such vegetation within the creek bed; and
 - f any other measures which may be necessary to abate the effects of this discharge of waste to Sycamore Creek or the deposition of waste in its channel.
- 1). The discharger shall dispose of all materials removed from the discharger's property **in** a manner that complies with all applicable requirements and conditions.
- 3 The discharger shall obtain all necessary approvals from the California Department of Fish and Game, the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, the City of Poway, and any other agency with jurisdiction for all streambed cleanup and restoration work.
4. By November 17, 1998, the discharger shall certify to the Regional Board, in writing under penalty of pedury, that the discharger has implemented a comprehensive erosion control plan to prevent any further discharge of waste, including soil or sediment, to Sycamore Creek.

- 5 By December 16, 1990, the discharger shall submit a plan and time schedule, to abate all the effects of the discharge of waste to Sycamore Creek or the deposition of waste in its channel. The plan shall address (a) the removal of all wastes from the creek; (b) the restoration of the natural contours to the creek channel; (c) the re-vegetation of the creek and adjacent disturbed lands with native vegetation; (d) a mitigation plan to fully compensate, either on-site or off-site, for the temporal loss of the beneficial uses which were caused by the discharge of waste to Sycamore Creek or the deposition of waste in its channel; and (e) a monitoring program to measure the success of the creek restoration and mitigation efforts. All time schedules shall contain specific milestones for the activities which are to be performed.
6. By July 15, 1999, the discharger shall certify to the Regional Board in writing under penalty perjury that all actions described in requirements 5(a) through 5(d) above, have been completed and that all necessary government approvals were obtained for those of actions.
- 7 As part of requirement 5(c) above, the discharger shall provide by July 15, 1999, and annually thereafter for not less than five (05) years, a comprehensive report, prepared by a qualified habitat restoration specialist, which details the status of the creek restoration and mitigation site efforts.

Pursuant to California Water Code Section 13350, any person who intentionally or negligently violates a cleanup and abatement order may be civilly liable in any amount which shall not exceed five thousand dollars (\$5, 000), but shall not be less than five hundred dollars (\$500), for each day in which the cleanup and abatement order is violated.



JOHN H. ROBERTUS
Executive Officer

Date Issued November 6, 1998
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